

For Utility,  
PCT, and  
Design Applications

# MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

## United States Patent Application

### INSTRUCTIONS

### COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor(if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert TITLE of invention

STORAGE MEDIUM AND MANUFACTURE THEREOF

Check a or b

The specification of which

a. ☐ is attached hereto

b. ☒ was file on December 30, 1997

checked, complete

as application serial no. 09/001,139

and was amended on \_\_\_\_\_ (if applicable)

If PCT  
Application

(in the case of a PCT-filed application)

Insert Int. application  
number & filing date

described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_

and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States Patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a). (Reprinted on back side).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

Prior applications  
Check a or b

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

If checked, complete

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
JAPAN	9-081452	31/03/1997	
ALL FOREIGN APPLICATIONS, IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

OPT 10

Attorney Docket No. 8694 US01

For Continuation-in-Part  
(CIP) Applications, complete

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS(patented,pending,abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

John D. Gould, Reg. No. 18,223; Phillip H. Smith, Reg. No. 20,476; Robert T. Edell, Reg. No. 20,187; Paul A. Welter, Reg. No. 20,890; Cecil C. Schmidt, Reg. No. 20,566; John S. Sumners, Reg. No. 24,216; Alan G. Carlson, Reg. No. 25,959; Michael L. Schwegman, Reg. No. 25,816; Earl D. Reiland, Reg. No. 25,767; Charles E. Golla, Reg. No. 26,896; Douglas J. Williams, Reg. No. 27,054; Douglas A. Strawbridge, Reg. No. 28,376; Albert L. Underhill, Reg. No. 27,403; Norman P. Friederichs, Reg. No. 24,919; Michael B. Lasky, Reg. No. 29,555; Curtis B. Hamre, Reg. No. 29,165; Michael D. Schumann, Reg. No. 30,422; Michael L. Mau, Reg. No. 30,087; John W. Bunch, Reg. No. 28,696; Mark J. DiPietro, Reg. No. 28,707; John A. Clifford, Reg. No. 30,247; Janet R. Westrom, Reg. No. 30,703; Steven W. Lundberg, Reg. No. 30,568; Warren D. Woessner, Reg. No. 30,440; Alan W. Kowalchuk, Reg. No. 31,535; Michael S. Sherrill, Reg. No. 32,302; Daniel W. McDonald, Reg. No. 32,044; Timothy R. Conrad, Reg. No. 30,164; Janice L. Umbel, Reg. No. 31,201; R. Carl Moy, Reg. No. 30,725; Robert C. Freed, Reg. No. 32,569; Daniel J. Kluth, Reg. No. 32,146; Wendy M. McDonald, Reg. No. 32,427; Linda M. Byrne, Reg. No. 32,404; Mark D. Schuman, Reg. No. 31,197; Randall A. Hillson, Reg. No. 31,838; John P. Sumner, Reg. No. 29,114; Brian H. Batzli, Reg. No. 32,960; David K. Tellekson, Reg. No. 32,314; and John L. Knoble, Reg. No. 32,387.

I hereby authorize the U.S. attorney(s) and/or agent(s) named herein to accept and follow instructions from

\_\_\_\_\_ as to any action to be taken in the Patent and Trademark office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney(s) or agent(s) named herein will be so notified by the undersigned.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt, P. A. at the address indicated below (or if no address is specified, the first address):

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- 2) [X] 3100 Norwest Center, Minneapolis, MN 55402 Telephone No. (612) 332-5300

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

Insert foreign associate  
patent counsel,  
appropriate

opt 10

Insert FULL name(s)  
AND address(es) of  
actual inventor(s)

201	FULL NAME OF INVENTOR	FAMILY NAME SHIGETOMI	FIRST GIVEN NAME Takashi	SECOND GIVEN NAME
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204	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
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	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY
SIGNATURE OF INVENTOR 201		SIGNATURE OF INVENTOR 202		SIGNATURE OF INVENTOR 203
DATE April 17, 1998		DATE April 17, 1998		DATE
SIGNATURE OF INVENTOR 204		SIGNATURE OF INVENTOR 205		
DATE		DATE		

Each inventor must  
sign & date

Note: No legalization or  
other witness required

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.